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December 1, 2011

VIA USPS EXPRESS MAIL OVERNIGHT

The Honorable Michael A. Hammer, U.S.M.J.
 United States District Court
 District of New Jersey
 Martin Luther King, Jr. Federal Building
 & U.S. Courthouse
 50 Walnut Street
 Newark, New Jersey 07102

RE: Safar v. Cox Enterprises Inc, et al.
Civil Action No.: 10-3069 (JLL)

Dear Judge Hammer:

Please be advised that this firm represents Plaintiffs in the above-captioned matter that was previously case managed by Your Honor on October 5, 2011. As the Court will recall, at the time of the October 5, 2011 case management conference, Your Honor extended the period for fact discovery due to the fact that the two representatives of defendant identified with knowledge of plaintiff's incident, and who responded to the scene and completed incident reports, were unavailable. Specifically, Kathy Giordano, had experienced a stroke and was recovering and Karl Kilpatrick had been terminated wherein defense counsel was to provide me with a last known address for Mr. Kilpatrick.

Via letter dated November, 15, 2011 (copy attached hereto) defense counsel, for the first time, provided me with the last known address for Mr. Kilpatrick, however, in this same letter, I was informed by counsel that I would not have the opportunity prior to the current fact discovery deadline to depose Ms. Giordano because she has not been medically cleared by her physician. As the Court is aware, plaintiff cannot complete discovery with respect to the liability issues in this matter without deposing Mr. Kilpatrick and Ms. Giordano. I have discussed this matter with defense counsel, Douglas Sanchez, and he has advised me that Ms. Giordano will likely not be available for her deposition until January 2012.

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 AT 8:30
 WILLIAM T. WALSH, CLERK M



Since the October 5, 2011 case management conference, the subject location of plaintiff's fall was made available for inspection by defendants and my engineering expert conducted an inspection of same on November 21, 2011. Additionally, a subpoena for Mr. Kilpatrick's deposition is in the process of being served and same is scheduled for January 5, 2012.

Accordingly, in light of the foregoing, I respectfully request that the Court conduct a brief telephone status conference to discuss these discovery issues and entertain an extension of time for plaintiffs to conduct fact discovery.

I thank the Court for its attention and courtesy in this matter.

Respectfully submitted,

GIOVANNI (JOHN) ANZALONE

GA/ja
Enclosures
cc: Douglas V. Sanchez, Esq.

ORDER ON INFORMAL APPLICATION:

Plaintiff's request to extend fact discovery is granted - FACT DISCOVERY SHALL BE COMPLETED BY JANUARY 31, 2012; AFFIRMATIVE EXPERT REPORTS SHALL BE SUBMITTED BY MARCH 1, 2012; RESPONSIVE EXPERT REPORTS SHALL BE SUBMITTED BY APRIL 1, 2012; EXPERT DISCOVERY SHALL CLOSE ON MAY 1, 2012; THE 2/28/12 Settlement Conference shall be converted to a telephone status conference during which the Court will set a new date for the SETTLEMENT CONFERENCE.

THERE WILL BE NO FURTHER EXTENSIONS OF THE FOREGOING DEADLINES.

So ORDERED.

Thickard J. J. Lamm, USM
12/9/11